

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA (Western
Division – Los Angeles)**
CIVIL DOCKET FOR CASE #: 2:08-cv-00218-ABC-SS

Water, Inc. v. Everpure, Inc. et al
Assigned to: Judge Audrey B. Collins
Referred to: Magistrate Judge Suzanne H. Segal
Cause: 15:0001 Antitrust Litigation

Date Filed: 01/14/2008
Date Terminated: 08/04/2008
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Water, Inc.
a California corporation

represented by **Christopher Rolin**
Christopher Rolin Law Offices
Warner Center
5707 Corsa Avenue, Suite 106
Westlake Village, CA 91362
818-707-7065
Fax: 818-735-9992
Email: crolin@chrisrolin.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert D Goldberg
Clark Goldberg and Madruga
11400 West Olympic Boulevard Suite 1150
Los Angeles, CA 90064
310-478-0077
Fax: 310-478-0099
Email: rgoldberg@cgold.cc
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger W Clark
Clark Goldberg & Madruga
11400 West Olympic Boulevard Suite 1150
Los Angeles, CA 90064
310-478-0077
Email: rclark@cgold.cc
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Everpure, Inc.

represented by **Christopher John Heck**
Foley and Lardner LLP
555 South Flower Street
Suite 3500
Los Angeles, CA 90067-3021

Defendant**Everpure, LLC****Defendant****Pentair, Inc.**represented by **Christopher John Heck**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant**DOES 1 to 10, inclusive**

Date Filed	#	Docket Text
01/14/2008	I 1	COMPLAINT against Defendants Everpure, Inc., Everpure, LLC, Pentair, Inc., DOES 1 to 10, inclusive. (Filing fee \$ 350 PAID.) Jury Demanded., filed by plaintiff Water, Inc.(ghap) Additional attachment(s) added on 1/18/2008 (lra,). (Entered: 01/18/2008)
01/14/2008	I	20 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants Everpure, Inc., Everpure, LLC, Pentair, Inc., DOES 1 to 10, inclusive. (ghap) (Entered: 01/18/2008)
01/14/2008	I 2	CERTIFICATE of Interested Parties filed by Plaintiff Water, Inc. (ghap) Additional attachment(s) added on 1/18/2008 (lra,). (Entered: 01/18/2008)
01/14/2008	I	FAX number for Attorneys Roger W Clark, Robert D Goldberg is 310-478-0077. (ghap) (Entered: 01/18/2008)
01/18/2008	I 3	ORDER RETURNING CASE FOR REASSIGNMENT by Judge J. Spencer Letts. ORDER case returned to the Clerk for random reassignment pursuant to General Order 07-02. Case randomly reassigned from Judge J. Spencer Letts to Judge Audrey B. Collins for all further proceedings. The case number will now reflect the initials of the transferee Judge CV 08-0218 ABC (SSx). (rn) (Entered: 01/18/2008)
04/16/2008	I 4	MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins : IT IS ORDERED tha plaintiff's counsel show cause in writing not later than May 14, 2008 why this action should not be dismissed for lack of prosecution, as to the defendant(s) Everpure, Inc., Everpure LLC, Pentair, Inc., (see attached order for further details) (es) (Entered: 04/16/2008)
05/08/2008	I 5	PROOF OF SERVICE Executed by Plaintiff Water, Inc., upon Pentair, Inc. served on 4/29/2008, answer due 5/19/2008. The Summons and Complaint were served by personal service, by Federal statute, upon Louis Anisworth, authorized person to accept service of process. Due Dilligence declaration not attached. Original Summons not returned. (Clark, Roger) (Entered: 05/08/2008)
05/08/2008	I 6	PROOF OF SERVICE Executed by Plaintiff Water, Inc., upon Everpure, Inc. served on 4/29/2008, answer due 5/19/2008. The Summons and Complaint were served by personal service, by Federal statute, upon Dawn Schultz, agent for service at CT Corporation. Due Dilligence declaration not attached. Original Summons not returned. (Clark, Roger) (Entered: 05/08/2008)
05/08/2008	I 7	

PROOF OF SERVICE Executed by Plaintiff Water, Inc., upon Everpure, LLC served on 4/29/2008, answer due 5/19/2008. The Summons and Complaint were served by personal service, by Federal statute, upon National Registered Agents by serving Courtney Hightower. Due Diligence declaration not attached. Original Summons not returned. (Clark, Roger) (Entered: 05/08/2008)

05/19/2008	<u>i</u> 8	NOTICE OF MOTION AND MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> filed by Defendant, Pentair Pentair, Inc..Motion set for hearing on 6/9/2008 at 01:00 PM before Judge J. Spencer Letts. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Heck, Christopher) (Entered: 05/19/2008)
05/19/2008	<u>i</u> 9	DECLARATION of Michael Madsen In Support of MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> filed by Defendant Pentair, Inc.. (Attachments: # <u>1</u> Exhibit Exhibits A and B)(Heck, Christopher) (Entered: 05/19/2008)
05/19/2008	<u>i</u> 10	Certificate of Interested Parties filed by Defendant Pentair, Inc.. (Heck, Christopher) (Entered: 05/19/2008)
05/21/2008	<u>i</u> 11	Amendment to MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> filed by Defendant Pentair, Inc.. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Heck, Christopher) (Entered: 05/21/2008)
06/02/2008	<u>i</u> 12	First AMENDED COMPLAINT against Defendants Everpure, Inc., Everpure, LLC, Pentair, Inc., DOES 1 to 10, inclusive amending Complaint – (Discovery) <u>1</u> ,filed by plaintiff Water, Inc. (Goldberg, Robert) (Entered: 06/02/2008)
06/02/2008	<u>i</u> 13	MEMORANDUM in Opposition to MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> MOTION to Dismiss Case <i>For Improper Venue Pursuant to Rule 12(B)(3)</i> filed by Plaintiff Water, Inc.. (Attachments: # <u>1</u> Declaration of Robert D. Goldberg in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss)(Goldberg, Robert) (Entered: 06/02/2008)
06/03/2008	<u>i</u> 14	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: Pursuant to GO 08-02 CV initiating documents such as "AMENDED COMPLAINT" shall be traditionally filed and emailed to the appropriate intake e-mail address by Close Of Business the following business day. RE: Amended Complaint <u>12</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (es) (Entered: 06/03/2008)
06/04/2008	<u>i</u> 15	NOTICE of Association of Counsel Filed by Plaintiff Water, Inc. (Clark, Roger) (Entered: 06/04/2008)
06/04/2008	<u>i</u> 16	NOTICE TO FILER OF DEFICIENCIES in Electronically Filed Documents. The following error(s) was found: account information was not updated in ECF system RE: Notice of Association of Counsel <u>15</u> . In response to this notice the court may order (1) an amended or correct document to be filed (2) the document stricken or (3) take other action as the court deems appropriate. (vh) (Entered: 06/05/2008)
06/05/2008	<u>i</u> 17	MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins re MOTION to Dismiss <u>8</u> : On May 19, 2008, Defendants filed a Motion to Dismiss for Improper Venue (Motion), set for hearing on June 16, 2008. On June 2, 2008, Plaintiff filed an Opposition and a First Amended Complaint. Because the First Amended Complaint supercedes the Complaint upon which the Motion is based, the Motion is now moot. The Court therefore STRIKES the Motion. (bm) (Entered: 06/05/2008)

06/12/2008	<u>18</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue</i> filed by Defendants Everpure, Inc.. Motion set for hearing on 7/7/2008 at 10:00 AM before Judge Audrey B. Collins. (Attachments: # <u>1</u> Declaration Declaration of M. Madsen, # <u>2</u> Exhibit Ex. A to Madsen Decl., # <u>3</u> Proposed Order Proposed Order)(Heck, Christopher) (Entered: 06/12/2008)
06/19/2008	<u>19</u>	ORDER RE CONFERENCE: 1. PRETRIAL CONFERENCE PURSUANT TO F.R.CIV.P. 16 AND 26; AND LOCAL RULE 26; 2. MOTIONS &EX PARTE APPLICATIONS; 3. EFILING – COURTESY COPIES by Judge Audrey B. Collins, Set/Reset Deadlines/Hearings: Pretrial/Scheduling Conference set for 8/18/2008 10:00 AM before Judge Audrey B. Collins. (See document for text of order.) (ps) (Entered: 06/20/2008)
06/23/2008	<u>20</u>	NOTICE OF ERRATA filed by Plaintiff Water, Inc.. correcting Amended Complaint <u>12</u> of Water, Inc. (Goldberg, Robert) (Entered: 06/23/2008)
06/23/2008	<u>21</u>	MEMORANDUM in Opposition to MOTION to Dismiss Case <i>for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue</i> MOTION to Dismiss Case <i>for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue</i> <u>18</u> filed by Plaintiff Water, Inc.. (Attachments: # <u>1</u> Declaration of James N. Kahn in Support of Plaintiff's Opposition to Defendants' Motion to Dismiss)(Kahn, James) (Entered: 06/23/2008)
06/30/2008	<u>22</u>	NOTICE AND REQUEST of Settlement Procedure Selection (Sp3); parties request to appear before a retired judicial officer or other dispute resolution body for mediation type settlement proceedings. Filed by Plaintiff Water, Inc. (Attachments: # <u>1</u> Proposed Order Re: Settlement Procedure Selection: Request and Notice)(Goldberg, Robert) (Entered: 06/30/2008)
06/30/2008	<u>23</u>	REPLY in support MOTION to Dismiss Case <i>for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue</i> MOTION to Dismiss Case <i>for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue</i> <u>18</u> filed by Defendant Everpure, Inc.. (Heck, Christopher) (Entered: 06/30/2008)
07/02/2008	<u>24</u>	MINUTES OF IN CHAMBERS ORDER held before Judge Audrey B. Collins: re: MOTION to Dismiss Case for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue MOTION to Dismiss Case for Improper Venue Pursuant to Rule 12(B)(3), or, alternatively, to Transfer Venue <u>18</u> ; Pending before the Court is Defendants Motion to Dismiss or Transfer. The Court finds the Motion appropriate for decision without oral argument and therefore VACATES the hearing set for July 7, 2008 and takes the matter UNDER SUBMISSION. See Fed. R. Civ. P. 78; Local Rule 7-15. IT IS SO ORDERED.. (ab) (Entered: 07/03/2008)
07/02/2008	<u>25</u>	ORDER by Judge Audrey B. Collins Approving the NOTICE AND REQUEST of Settlement Procedure Selection (Sp3) requiring the parties to appear before a retired judicial officer or other private or non-profit dispute resolution body. (ca) (Entered: 07/09/2008)
08/04/2008	<u>26</u>	ORDER REGARDING MOTION TO DISMISS OR TRANSFER VENUE by Judge Audrey B. Collins: The Court hereby GRANTS Defendant's Motion to Transfer pursuant to 28 USC 1406(a) and hereby ORDERS the case to be transferred to the United States District Court for the Northern District of Illinois. Electronic documents are accessible through Pacer. (MD JS-6. Case Terminated.) (Attachments: # <u>1</u> Transmittal Letter) (ir) (Entered: 08/05/2008)